

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

\_\_\_\_\_  
FREEPLAY MUSIC, LLC,

Plaintiff.

-against -

MAKITA U.S.A., INC.

Defendant.  
\_\_\_\_\_

)  
) Civil Action No.:  
) 13 cv 05235 (JPO)  
)

) **NOTICE OF**  
) **DEFENDANT MAKITA**  
) **U.S.A., INC.'S MOTION**  
) **TO DISMISS THE**  
) **COMPLAINT**  
)  
)  
)

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Makita U.S.A., Inc's ("Makita") Motion to Dismiss the Complaint, Defendant Makita respectfully moves the United States District Court for the Southern District of New York for an order dismissing the Complaint in the above-captioned matter.

Respectfully submitted,

Dated: New York, New York  
September 10, 2013

**TANNENBAUM HELPERN SYRACUSE &  
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/s/ Jaclyn Grodin

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